

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 2115-002753/US/NPB U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/581424
INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED 12/5/2003
TITLE OF INVENTION BIOGRADEABLE/BIORESORBABLE TISSUE AUGMENTATION/RECONSTRUCTION DEVICE APPLICANT(S) FOR DO/EO/US Chia-ying Lin et al.		
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> Two (2) declarations of the inventors (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). <p>Items 11 to 20 below concern document(s) or information included:</p> <ol style="list-style-type: none"> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input checked="" type="checkbox"/> Two powers of attorney (incorporated into Declaration documents). 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 		

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<p>The following fees have been submitted</p> <table border="1"> <tr> <td colspan="2">21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....</td> <td>\$330</td> <td>CALCULATIONS</td> <td>PTO USE ONLY</td> </tr> <tr> <td colspan="2">22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).</td> <td>\$0</td> <td></td> <td></td> </tr> <tr> <td colspan="2">All other situations</td> <td>\$220</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="2">23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)</td> <td>\$0</td> <td></td> <td></td> </tr> <tr> <td colspan="2">Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....</td> <td>\$100</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="2">International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB</td> <td>\$430</td> <td></td> <td></td> </tr> <tr> <td colspan="2">All other situations</td> <td>\$540</td> <td></td> <td></td> </tr> <tr> <td colspan="5">TOTAL OF 21, 22 and 23 =</td> </tr> <tr> <td colspan="5"> <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or in an electronic medium or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$270 for each additional 50 sheets of paper or fraction thereof. </td> </tr> <tr> <td>Total Sheets</td> <td>Extra Sheets</td> <td>Number of each additional 50 or fraction thereof (round up to a whole number)</td> <td>RATE</td> <td></td> </tr> <tr> <td>- 100 =</td> <td>/50 =</td> <td></td> <td>x \$270</td> <td>\$</td> </tr> <tr> <td colspan="3">Surcharge of \$130 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).</td> <td>\$ 130.00</td> <td></td> </tr> <tr> <td>CLAIMS</td> <td>NUMBER FILED</td> <td>NUMBER EXTRA</td> <td>RATE</td> <td></td> </tr> <tr> <td>Total claims</td> <td>- 20 =</td> <td>0</td> <td>x \$52</td> <td></td> </tr> <tr> <td>Independent claims</td> <td>- 3 =</td> <td>0</td> <td>x \$220</td> <td></td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ \$390</td> <td></td> </tr> <tr> <td colspan="3"></td> <td>TOTAL OF ABOVE CALCULATIONS =</td> <td>\$ 130.00</td> </tr> <tr> <td colspan="3"><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.</td> <td></td> <td>65.00</td> </tr> <tr> <td colspan="3"></td> <td>SUBTOTAL =</td> <td>\$</td> </tr> <tr> <td colspan="3">Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).</td> <td>+ \$</td> <td></td> </tr> <tr> <td colspan="3"></td> <td>TOTAL NATIONAL FEE =</td> <td>\$</td> </tr> <tr> <td colspan="3">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property</td> <td>+ \$</td> <td></td> </tr> <tr> <td colspan="3"></td> <td>\$</td> <td></td> </tr> <tr> <td colspan="3"></td> <td>TOTAL FEES ENCLOSED =</td> <td>\$</td> </tr> <tr> <td colspan="3"></td> <td>Amount to be refunded:</td> <td>\$</td> </tr> <tr> <td colspan="3"></td> <td>Amount to be charged</td> <td>\$ 65.00</td> </tr> </table>			21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....		\$330	CALCULATIONS	PTO USE ONLY	22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).		\$0			All other situations		\$220	\$		23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)		\$0			Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....		\$100	\$		International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB		\$430			All other situations		\$540			TOTAL OF 21, 22 and 23 =					<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or in an electronic medium or computer program listing in an electronic medium) (37 CFR 1.492(j)). 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- a. A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. Please charge my Deposit Account No. 08-0750 in the amount of \$ 65.00 to cover the above fees.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 08-0750.
- d. Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038. The PTO-2038 should only be mailed or faxed to the USPTO. However, when paying the basic national fee, the PTO-2038 may NOT be faxed to the USPTO.

ADVISORY: If filing by EFS-Web, do NOT attach the PTO-2038 form as a PDF along with your EFS-Web submission. Please be advised that this is not recommended and by doing so your **credit card information may be displayed via PAIR**. To protect your information, it is recommended paying fees online by using the electronic payment method.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Stanley M. Erjavac
HARNESS, DICKEY & PIERCE, P.L.C.
P. O. Box 828
Bloomfield Hills, Michigan 48303
UNITED STATES OF AMERICA

CUSTOMER NUMBER: 27572



SIGNATURE

Stanley M. Erjavac

NAME

38,442
REGISTRATION NUMBER

10/10/08

DATE

Application No. (if known): 10/581,424

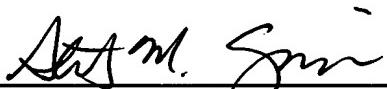
Attorney Docket No.: 2115-002753/US/NPB

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. **EV 524 037 882 US** in an envelope addressed to:

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on 10/10/08
Date



Signature

Stanley M. Erjavac

Typed or printed name of person signing Certificate

38,442 (248) 641-1600
Registration Number, if applicable Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Certificate of Express Mailing (EV 524 037 882 US) (1 page);
Transmittal Letter to DO/EOUS (3 pages);
Response to Notification of Missing Parts mailed 9/16/2008 (1 page);
Two (2) executed Declarations (each with Power of Attorney incorporated into document) (4 pages);
COPY of Notification of Missing Parts mailed 9/16/2008;
Return Receipt Postcard.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Chia-ying LIN and Scott J. HOLLISTER

Appln. No.: 10/581,424

Filing Date: 2 June 2006

For: BIODEGRADEABLE/BIORESORBABLE TISSUE
AUGMENTATION/RECONSTRUCTION DEVICE

**RESPONSE TO NOTIFICATION TO FILE MISSING
REQUIREMENTS**

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Requirements mailed September 16, 2008, Applicant respectfully submits two (2) replacement Declarations/Powers of Attorney, each executed by an Inventor.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 08-0750, under Order No. 2115-002753/US/NPB.

Dated: 10/10/08

Respectfully submitted,

By 
Stanley M. Erjavec

Attorney for Applicant
Registration No. 38,442

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600



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UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
www.uspto.gov

Jul 08

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/581,424	Chia-Ying Lin	2115-002753/US/NP
27572 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303		INTERNATIONAL APPLICATION NO. PCT/US2004/040298
	I.A. FILING DATE	PRIORITY DATE
	12/03/2004	12/05/2003

CONFIRMATION NO. 3777
371 FORMALITIES LETTER



OC000000032055853

Date Mailed: 09/16/2008

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Indication of Small-Entity Status
- Priority Document
- Copy of the International Application filed on 06/02/2006
- Copy of the International Search Report filed on 06/02/2006
- Copy of IPE Report filed on 09/12/2008
- Information Disclosure Statements filed on 06/02/2006
- Oath or Declaration filed on 06/02/2006
- U.S. Basic National Fees filed on 06/02/2006
- Priority Documents filed on 06/02/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - Must submit complete declarations when the inventors sign separate signature page. (MPEP 201.03(II)(B))
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Matter no. 2115-002753/US/NPB

Action Due Date	11/16/08	Final Date	04/16/09
Action		Missing Requirements	
SME		DKT/Verify	
		9/19/08 - 9/22/08	

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Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

CHARITTA A SHELTON

Telephone: (703) 308-9140 EXT 207

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